

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

**FILED: April 22, 1997**

Attorney Docket No. 61192-NIH

**Divisional Application**

Divisional of Serial No.: 08/344,157

For: BIOPOLYMER-BOUND NITRIC OXIDE-RELEASING COMPOSITION,  
PHARMACEUTICAL COMPOSITIONS INCORPORATING SAME AND  
METHODS OF TREATING BIOLOGICAL DISORDERS USING SAME

Enclosed: Rule 60 Transmittal with certificate of mailing (5 Pages in duplicate);  
Specification (32 Pages); Claims (9 Pages); Abstract (1 Page); Preliminary  
Amendment (5 Pages); Copy of Executed Combined Declaration and Power of  
Attorney in the parent application (3 Pages); Information Disclosure Statement (4  
Pages in duplicate); PTO-1449 Form (3 Pages); Check in the amount of \$968.00.

**In re Application:**

Saavedra et al.

BMG/baw

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67477 U.S. PTO  
08/837812



04/22/97

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**In re Application:**  
Saavedra et al.  
BMG/baw

**RP**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 61192  
Anticipated Classification of This Application:  
Class            Subclass  
Prior Application: 08/344,157  
Examiner: P. Kulkosky  
Art Unit: 1502

Assistant Commissioner for Patents  
Washington, D.C. 20231

## FILING UNDER 37 CFR 1.60(b)

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.60 of pending prior application Serial No. 08/344,157, filed on November 22, 1994, of Saavedra et al., for BIOPOLYMER-BOUND NITRIC OXIDE-RELEASING COMPOSITIONS, PHARMACEUTICAL COMPOSITIONS INCORPORATING SAME AND METHODS OF TREATING BIOLOGICAL DISORDERS USING SAME.

## Copy of Prior Application As Filed Which Is Attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application **as filed** are attached as follows:

- ☒ 32 page(s) of specification
- ☒ 9 page(s) of claims
- ☒ 1 page(s) of abstract
- ☐ sheet(s) of drawings
- ☒ 3 pages of declaration and power of attorney

☒ In accordance with the indication required by 37 CFR 1.60(b), my records reflect that the original signed declaration showing applicant's signature was filed on January 18, 1995.

☐ I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that the amendment referred to in the declaration filed to complete the prior application did not introduce new matter.

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this 37 CFR 1.60 request and the documents referred to as attached or enclosed therein are being deposited with the United States Postal Service on this date, April 22, 1997, in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number TB074029593US addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Bruce M. GAGALA  
Printed Name of Person Signing

  
Signature

### Amendments

- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

### Petition for Suspension of Prosecution For The Time Necessary To File An Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary To File An Amendment (New Application Filed Concurrently).

### Fee Calculation (37 CFR 1.16)

CLAIMS AS FILED					
Number Filed			Number Extra	Rate	Basic Fee \$770.00
Total Claims	29	-20 =	9	x \$22.00	\$198.00
Independent Claims	2	- 3 =	0	x \$80.00	0
<input type="checkbox"/> Multiple Dependent Claim(s), if any				+\$260.00	

- ☐ Fee for extra claims is not being paid at this time (37 CFR 1.16(d))

Filing Fee Calculation.....\$968.00

### Small Entity Status

- ☐ A verified statement that this filing is by a small entity:
- ☐ is attached.
- ☐ has been filed in the parent application and such status is still proper and desired.

Filing Fee Calculation.....\$  
(50% of above)

### Drawings

- ☐ Transfer the drawings from the prior application to this application and, subject to "Abandonment Of Prior Application" below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file.
- ☐ Transfer the following sheet(s) of drawing from the prior application to this application:
- ☐ A copy of the amendment canceling these sheets of drawing in the prior application is attached.
- ☐ New drawings are enclosed: ☐ formal ☐ informal

**Priority - 35 U.S.C. 119**

- ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in \_\_\_\_\_, is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

**Relate Back - 35 U.S.C. 120**

- ☒ Amend the specification by inserting before the first line, the following sentence:

"This is a

☐ continuation

☒ divisional

of copending application(s)

☒ Serial No. 08/344,157, filed on November 22, 1994."

☐ International Application \_\_\_\_\_, filed on \_\_\_\_\_, and which designated the U.S."

- ☐ The specification has been amended by way of the enclosed preliminary amendment.

**Inventorship Statement**

With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventor(s) in this application is (are):

- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted: \_\_\_\_\_.

The inventorship for all the claims in this application is:

- ☒ the same.
- ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

**Assignment**

- ☒ The prior application is assigned of record to The United States of America, represented by the Secretary, Department of Health and Human Services.
- ☐ An assignment of the invention to \_\_\_\_\_ is attached.

**Fee Payment Being Made At This Time**

- ☐ Not enclosed
- ☐ No filing fee is being submitted.

- ☒ Enclosed
- |  |          |
|--|----------|
| <input checked="" type="checkbox"/> Basic Filing Fee.....  | \$968.00 |
| <input type="checkbox"/> Recording Assignment.....         | \$       |
| <input type="checkbox"/> Processing and Retention Fee..... | \$       |

**Total Filing Fees Enclosed .....\$968.00**

### Method Of Payment Of Fees

- ☒ Enclosed is a check in the amount of \$968.00.  
☐ Charge Account No. 12-1216 in the amount of \$ . A duplicate of this request is attached.

### Authorization To Charge Additional Fees

- ☒ The Assistant Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 12-1216:
- ☒ 37 CFR 1.16(a), (f), or (g) (filing fees)
  - ☒ 37 CFR 1.16(b), (c), or (d) (presentation of extra claims)
  - ☒ 37 CFR 1.17 (application processing fees)
  - ☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance)

### Power of Attorney

- ☒ The power of attorney in the prior application is to Leydig, Voit & Mayer, Ltd..
- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ A new power has been executed and is attached.
- ☒ Address all future communications to:

Bruce M. Gagala  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
Telephone: (312) 616-5600  
Facsimile: (312) 616-5700

### Maintenance Of Copending Of Prior Application

- ☐ A petition, fee, and response has been filed to extend the term in the pending prior application until
- ☐ A copy of the petition for extension of time in the prior application is attached.

### Conditional Petition For Extension Of Time In Prior Application

- ☐ A conditional petition for extension of time is being filed in the pending patent application.
- ☐ A copy of the conditional petition for extension of time in the prior application is attached.

### Abandonment Of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time, please add the words "now abandoned" to the amendment to the specification set forth in the section entitled "Relate Back - 35 U.S.C. 120" above.

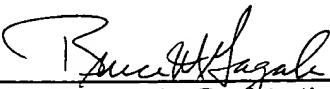
### Other

- ☒ Information Disclosure Statement

☐ Sequence Listing

I hereby declare further that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 22, 1997

  
\_\_\_\_\_  
Bruce M. Gagala, Registration No. 28,844  
One of the Attorneys for Applicant(s)  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

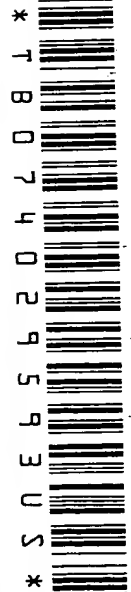
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Initials of Receiving Clerk	Weight				

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<input type="checkbox"/> Military 2nd Day	<input type="checkbox"/> Military 3rd Day				

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SEE REVERSE FOR SERVICE GUARANTEE,  
INSURANCE COVERAGE AND CLAIMS.  
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SIGNED	

TO:	
Telephone Number:	

ASSISTANT COMMISSIONER FOR RETIREMENT  
BOM VACANT APPLICATIONS (RETIRED)  
WASHINGTON, D.C. 20531

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